



House of Representatives

General Assembly

File No. 53

February Session, 2018

Substitute House Bill No. 5153

House of Representatives, March 28, 2018

The Committee on Public Health reported through REP. STEINBERG of the 136th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' RECOMMENDATIONS REGARDING GUARDIANSHIP ASSESSMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-674 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) At any hearing for appointment of a plenary guardian or limited
4 guardian, the court shall receive evidence as to the condition of the
5 respondent, including a written report or testimony by a Department
6 of Developmental Services assessment team appointed by the
7 Commissioner of Developmental Services or his or her designee, no
8 member of which is related by blood, marriage or adoption to either
9 the petitioner or the respondent and each member of which has
10 personally observed or examined the respondent within forty-five
11 days next preceding such hearing. The assessment team shall be
12 comprised of at least two representatives from among appropriate
13 disciplines having expertise in the evaluation of persons alleged to

14 have intellectual disability. The assessment team members shall make
 15 their report on a form provided for that purpose by the office of the
 16 Probate Court Administrator and shall answer questions on such form
 17 as fully and completely as possible. The report shall contain specific
 18 information regarding the severity of the intellectual disability of the
 19 respondent and those specific areas, if any, in which the respondent
 20 needs the supervision and protection of a guardian, and shall state
 21 upon the form the reasons for such opinions. The petitioner,
 22 respondent or the respondent's counsel shall have the right to present
 23 evidence and cross-examine witnesses who testify at any hearing on
 24 the petition. If the respondent or the respondent's counsel notifies the
 25 court not less than three days before the hearing that he or she wishes
 26 to cross-examine the witnesses, the court shall order such witnesses to
 27 appear. The fees for such assessment team shall be paid from funds
 28 appropriated to the Department of Developmental Services.

29 (b) The written report or testimony by the assessment team shall not
 30 be required for a hearing on the appointment of a plenary guardian or
 31 limited guardian if the individual has been determined ineligible for
 32 services of the Department of Developmental Services by the
 33 commissioner or his or her designee, provided such denial of eligibility
 34 is based on the determination that the individual does not have
 35 intellectual disability as defined in section 1-1g. A copy of the
 36 eligibility determination letter indicating that the basis of ineligibility
 37 is the absence of intellectual disability, as defined in section 1-1g, shall
 38 be provided to the Probate Court in lieu of a report by the assessment
 39 team and no further assessment by the team shall be required.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	45a-674
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PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill eliminates a Department of Developmental Services (DDS) guardianship assessment requirement for individuals already found ineligible for DDS services. There is no fiscal impact to DDS as agency staff conduct the assessments and there are only a small number of assessments that will be eliminated as a result of the bill.

In FY 17, approximately 18 of 663 initial assessments (less than 3%) requested by Probate Courts were for individuals found ineligible for DDS services.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis

sHB 5153

AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' RECOMMENDATIONS REGARDING GUARDIANSHIP ASSESSMENTS.

SUMMARY

By law, a Department of Developmental Services (DDS) appointed assessment team must evaluate an individual alleged to have intellectual disability as part of a probate court hearing on whether to appoint the individual a guardian.

This bill eliminates the requirement that the assessment team submit a written report or testimony to the court if the DDS commissioner, or his designee, determines the individual to be evaluated is ineligible for DDS services because he or she does not have intellectual disability. Under the bill, DDS must instead provide the court with a copy of the eligibility determination letter and the team is not required to further evaluate the individual.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 25 Nay 0 (03/09/2018)